

REMARKS

Claims 1-14, and 16, are pending claim in this application, and are subject to a restriction requirement in the Office Action dated November 28, 2007. In view of the election of Group I (wherein X=O) as indicated below, claim 1 has been amended to delete recitation of X=S, CH₂ and NR₁₈, and to correct typographical errors. Claims 13 and 14 have been amended merely to differentiate between its subject matter and that of claim 5 and to maintain proper dependency. Support for the amendments in claims 13 and 14 can be found in the claims as originally submitted in the International Application PCT/EP03/50085 of which the pending application is an US national stage application. Applicants respectfully request entry of the above amendments and reconsideration of the claims.

In response to this Action restricting the claims as follows:

Group I	Claims 1-14 and 16, drawn to the compounds and compositions of the compounds of formula I where X is O
Group II	Claims 1-5, 7, 8, 10-14 and 16, drawn to the compounds and compositions of the compounds of formula I where X is S
Group III	Claims 1-8, 10, 12-14 and 16, drawn to the compounds, compositions, and method of use of the compounds of formula I where X is CH ₂
Group IV	Claims 1-3, 5, 7, 8, 10-14 and 16, drawn to the compounds and compositions of the compounds of formula I where X is NR ₁₈

Applicants hereby elect without traverse to prosecute the claims of Group I, *i.e.*, claims 1-14 and 16 directed to compounds and compositions of the compounds of formula I where X is O. Further, with respect to the requirement to elect a single disclosed species from the allegedly patentably distinct species, Applicants hereby request examination of the claims electing the species of trans-N-(6,7-Dichloro-2,3,4,14b-tetrahydro-1H-dibenzo[b,f]pyrido[1,2-d][1,4]oxazepin-1-yl)-2,2,2-

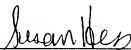
trifluoroacetamide (the compound of formula I wherein R1, R2, R5, and R7 to R10 are H, R3 and R4 are Cl, and R6 is C(O)CF₃). This elected species is encompassed by claims 3 and 5 and further disclosed as structure 19B on pages 10 and 11, and in Example 38B at page 39 of the specification. The elected species, trans-N-(6,7-Dichloro-2,3,4,14b-tetrahydro-1H-dibenzo[b,f]pyrido[1,2-d][1,4]oxazepin-1-yl)-2,2,2-trifluoroacetamide, is readable on claims 1-14 and 16.

Applicants expressly reserve the right to file a divisional application encompassing the claims of non-elected Groups II to IV prior to issuance of this application.

An Action on the merits is respectfully requested.

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Respectfully submitted,

By 
Susan Hess

Organon International Inc.
Patent Department
56 Livingston Avenue
Roseland, New Jersey 07068
(973) 422.7474

Registration No.: 37,350
Attorney For Applicant(s)